

SUPPLEMENTAL REASONS FOR ALLOWANCE

1. Upon further review, the reasons for allowance dated December 23, 2007, with regard to the Fujimori patent (US 6,200,659), is revised as follows. Fujimori fails to teach a method of making containers utilizing polyester particles having the crystallinity degree as claimed. In addition, Fujimori teaches polyester particles formed in a “catalyst solution” comprising an antimony compound and trivalent phosphorous compound” in order to effect “reduced” acetaldehyde level (Fujimori, col. 8, lines 1-3). However, the amount of acetaldehyde in the polyester particles of Fujimori is 180 ppm or higher (Fujimori, Table, col. 17-18, line 65) while the instant claims require an acetaldehyde level of at most 10 ppm. Though Fujimori does mention using polyester particles not having been subject to solid state polymerization before extrusion (Fujimori, Comparative Example 4), it does not appear that Fujimori envisioned or appreciated an acetaldehyde level of 10 ppm or lower as required by the instant claims because an amount of acetaldehyde of 180 ppm is considered at “reduced” level by Fujimori.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to H. T. Le whose telephone number is 571-272-1511. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mondays to Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. (Holly) T. Le/
H. (Holly) T. Le
Primary Examiner
Art Unit 1794

September 19, 2008